



OFFICE *of the* ATTORNEY GENERAL  
GREG ABBOTT

July 1, 2003

Ms. Julie Joe  
Assistant County Attorney  
County of Travis  
P. O. Box 1748  
Austin, Texas 78767

OR2003-4487

Dear Ms. Joe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 183604.

Travis County (the "county") received a request for "daily (previous 24 hr) warrant report data" including certain specified information. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we address your argument that the request is a "running request." You claim that the requestor seeks a daily list of warrants issued each day and that the Public Information Act (the "Act") "does not require a governmental body to comply with a continuing request to supply information on a periodic basis as such information is prepared in the future." We agree. The Act applies only to information that a governmental body possesses or has access to at the time it is requested.<sup>1</sup> Moreover, the Act does not require a governmental body to inform a requestor if the governmental body gains access to responsive information, or if responsive information comes into its possession after a request is made. Open Records Decision No. 452 at 3 (1986). Consequently, to the extent the present request asks that the county provide information that it did not possess or have access to when the request was

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<sup>1</sup>It is implicit in several provisions of the Act that the Act applies only to information already in existence. See Gov't Code §§ 552.002, .021, .227, .351.

made, or that the county supply information on a periodic basis that either comes into its possession or that it gains access to after the county's receipt of the present request, we conclude that the county is not required to comply. *See* Attorney General Opinion JM-48 at 2 (1983); Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987). Thus, we will address your claimed exceptions for the information you have submitted.

We note that section 552.022(a)(15) of the Government Code provides that information regarded as open to the public under an agency's policies is public information and not excepted from required disclosure unless it is expressly confidential under other law. You state that the "[s]heriff's [o]ffice does not have [a] policy regarding the release of information relating to outstanding warrants; the [s]heriff's [o]ffice does not routinely generate a daily list of issued warrants for release to the public." Therefore, the submitted information is not expressly public under section 552.022(a)(15).

You argue the requested information is excepted from public disclosure pursuant to section 552.108(a)(1) of the Government Code. Section 552.108(a)(1) excepts from public disclosure information which would "interfere with the detection, investigation, or prosecution of crime[.]" You explain that the submitted information pertains to criminal investigations that are ongoing. Based upon this representation and our review of the submitted information, we find that the submitted information is excepted from disclosure in its entirety pursuant to section 552.108(a)(1). As we are able to make this determination, we need not address your remaining claimed exception.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be

provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Sarah I. Swanson  
Assistant Attorney General  
Open Records Division

SIS/lmt

Ref: ID# 183604

Enc. Submitted documents

c: Mr. Colin R. Brown  
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(w/o enclosures)